



Pursuant to the foregoing notice a regular Representative Town Meeting of the Town of Greenwich was held on Monday June 13, 2005 at 8:00 P.M. (E.D.T.).

The meeting was called to order by the Moderator Thomas J. Byrne.

The members pledged allegiance to the flag.

The Moderator announced that as all members had received a copy of the call for the meeting, the reading of the call would be omitted.

The Moderator announced that as all members had received a copy of the minutes of the May 9, 2005 meeting, the reading of the minutes would be omitted. He asked if there were any corrections or comments, there being none, the minutes were adopted by unanimous consent.

Town Clerk Carmella C. Budkins swore in Jean Pierre Diels, a new member in District 10, prior to the meeting.

Attendance cards were presented showing 176 present, 52 absent and 2 vacancies.

Mary Ferry, chairman of District 5, offered the following resolution, recognizing the service and contributions of the late Mary Jane Frost.

District 5 asks that you join us in remembering the life of Mary Jane Frost, who died on June 5th

Mary Jane was a strong, active and involved person with many interests and accomplishments. After obtaining a bachelor's degree in nursing and a master's degree in Nursing Administration, she became a nursing supervisor on the surgical floors at New York Hospital/Cornell Medical Center. In 1965 she became a computer programmer with AT&T Information Systems in White Plains, NY. In 1970 she married Harold Frost and they had two daughters.

In 1981 Mary Jane became a real estate broker, an occupation that lasted until her death. Several peoples have mentioned that she contacted them about real estate two or three weeks before she died. She has been President and Treasurer of the Greenwich Association of Realtors as well as a member of the Connecticut Association of Realtors Board of Directors.

Mary Jane was a member of RTM from 1998 through 2003. She ably represented District 5 on the Public Works Committee, where she enjoyed proving that a woman could deal intelligently with sewers, streets and bridges.

She was also a member of the Greenwich League of Women Voters, the American Association of University Women, the United Way, and the Greenwich Women's Club. She enjoyed skiing, sailing, playing bridge, travel, photograph and taking care of her cats.

Mary Jane will be missed by many people.

Mr. Moderator, we ask that Mary Jane Frost be remembered with a moment of silence.

The members stood for a moment of silence in memory of Mrs. Frost and the resolution passed by unanimous consent.

The Moderator announced that Items 4, 7, 32 & 33 had been withdrawn.

The Moderator suggested a motion, which was duly moved and seconded, to place the following items on the consent calendar - #1-2-3-11-14-27-35-36 & 37.

1. **RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed an alternate member of the Historic District Commission for a term expiring 3/31/06.**

CHRISTOPHER HOLBROOK

2. **RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed a regular member of the Historic District Commission for a term expiring 3/31/08.**

ANNE MALETTA

3. **RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed an alternate member of the Historic District Commission for a term expiring 3/31/08.**

ARIS CRIST

11. **RESOLVED, that the sum of \$202,000 be and the same is hereby appropriated to be added to General Fund Account Number A321-52510, known as “Public Works – Waste Disposal Division, Waste Removal Services”**

14. **RESOLVED, that the sum of \$32,500 be and the same is hereby appropriated to be added to General Fund Account Number A345-52260, known as “Public Works – Building Construction and Maintenance Division, Fuel for Heating”**

27. **RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed a member of the Nathaniel Witherell Board for a term expiring 3/31/08.**

KURT KRAUSS

- 35 **RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed a member of the Planning and Zoning Commission for a term expiring 3/31/08.**

FRANK FARRICKER

36. **RESOLVED**, that the following named person, nominated by the Board of Selectmen, be appointed a member of the Planning and Zoning Commission for a term expiring 3/31/08.

PAUL S. MARCHESE

37. **RESOLVED**, that (a) the Conservation Commission of the Town of Greenwich be hereby authorized to accept receipts from the National Fish and Wildlife Foundation's Long Island Sound Futures Fund Program in the amount of \$40,000 and (b) these receipts to become appropriations in appropriate accounts upon approval of the Board of Estimate and Taxation.

The vote was now on the consent calendar.

In Favor	-	162
Against	-	0
Abstentions	-	2

Items Carried

The Moderator suggested a motion, which was duly moved and seconded, to suspend the rules and combine items 8-13-15-16-24-25-& 28 for voting purposes and consider items 5-6-9-10-12-17-18-19-20-21-22-23-26-29-30-31-34 separately.

Motion Carried

The Moderator announced that the combined items were now before the meeting.

Fire Chief Dan Warzoha offered the following resolution, which was duly moved and seconded, regarding Item No. 8.

RESOLVED, that the sum of \$75,867 be and the same is hereby appropriated to be added to the account number identified

205-51100 Payment for Overtime Services \$75,867

Commissioner of Public Works, Marcos Madrid, offered the following resolution, which was duly moved and seconded, regarding Item No. 13.

RESOLVED, that the sum of \$35,000 be and the same is hereby appropriated to be added to Capital Fund Account Number Z301-59800-25106, known as “Public Works – King Street Land Acquisition”

Town Administrator, Ed Gomeau, offered the following substitute resolution, which was duly moved and seconded, regarding Item No. 15.

RESOLVED, that the sum of \$280,000 be and the same is hereby appropriated to be added to Capital Fund Account Number Z312-59620-25119, known as “Public Works – Palmer Hill Road Pedestrian Bridge”

Town Administrator, Ed Gomeau, offered the following resolution, which was duly moved and seconded, regarding Item 16.

RESOLVED, that James A. Lash, First Selectman, be and hereby is authorized to execute said agreement (s) with the United States Environmental Protection Agency, Under the Small Business Liability Relief and Brownfield’s Revitalization Act, to accept a grant in the amount of \$200,000, for clean up work at the Cos Cob Power Plant site.

Town Administrator, Ed Gomeau, offered the following substitute resolutions, which were duly moved and seconded, regarding Items 24,25 & 28.

24. **RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed a member of the Inland Wetlands and Watercourses Agency for a term expiring 3/31/09.**

JOHN R. CONTE

25. **RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed a member of the Inland Wetlands and Watercourses Agency for a term expiring 3/31/08.**

WILLIAM J. GREMP

28. **RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed a member of the Inland Wetlands and Watercourses Agency for a term expiring 3/31/09.**

LAWRENCE PERRY

The vote was now on the combined items

In Favor - 166

Against	-	1
Abstentions	-	0

Items Carried

J. Robert Tuthill of District 3 offered the following resolution, which was duly moved and seconded.

RESOLVED, that the time to speak at the this meeting be limited to three minutes per speaker for each motion, except that the proponent and principal opponent for the motion (the latter to be determined by the Moderator) shall be entitled to speak for ten minutes each.

Motion Carried

The Moderator announced that Item No. 5 on the call was now before the meeting.

Alfred Cava, Director of Labor Relations, offered the following substitute resolution, which was duly moved and seconded, regarding Item No. 5.

RESOLVED, that the sum of \$ 35,961 for the fiscal year 2005-2006 be and the same is hereby appropriated to carry out the terms of the negotiated five year collective bargaining agreement between the Town of Greenwich and the Local 1042, International Association of Firefighters, AFL-CIO.

FURTHER RESOLVED, that the Representative Town Meeting of the Town of Greenwich hereby approves such provisions of the agreement, if any, which may be in conflict with any charter provisions, special act, ordinance, rule, or regulation of the Town of Greenwich with the meaning of Connecticut General Statutes, Section 7-474.

The vote was now on Item No. 5.

In Favor	-	161
Against	-	2
Abstentions	-	4

Item Carried

The Moderator announced that Item No. 6 on the call was now before the meeting.

Alfred Cava, Director of Labor Relations, offered the following substitute resolution, which was duly moved and seconded, regarding Item No. 6.

RESOLVED, that the sum of \$ 95,764 for the fiscal year 2005-2006 be and the same is hereby appropriated to carry out the terms of the negotiated four year collective bargaining agreement between the Town of Greenwich and the Greenwich Municipal Employees Association.

FURTHER RESOLVED, that the Representative Town Meeting of the Town of Greenwich hereby approves such provisions of the agreement, if any, which may be in conflict with any charter provisions, special act, ordinance, rule, or regulation of the Town of Greenwich with the meaning of Connecticut General Statutes, Section 7-474.

The vote was now on Item No. 6.

In Favor	-	158
Against	-	7
Abstentions	-	4

Item Carried

The Moderator announced that Item No. 9 on the call was now before the meeting.

Town Administrator Ed Gomeau offered the following resolution, which was duly moved and seconded, regarding Item No. 9.

RESOLVED, that the Property Tax Relief for the Elderly Ordinance be amended as follows on recommendation of the Board of Estimate and Taxation.

Sec. 12-6.1. Property tax relief for the elderly.

1. Pursuant to General Statutes § 12-129n property tax relief shall be provided to **any** resident[s] of the town with respect to real property occupied by such resident[s] as **his or her** [their] principal residence for which **the resident is** [they are] liable for taxes as owner[s] or as tenant[s] for life or years under General Statutes § 12-48, **who meets the qualifying total annual income herein and** (1) who **is**[are] sixty-five (65) years of age or over, (2) whose spouse[s], living with **the resident is** [them, are] sixty-five (65) years of age or over, or (3) who **is** [are] sixty (60) years of age or over and the surviving spouse of a taxpayer receiving relief in the town under this section at the time of his or her death. The ages specified in this section shall have been attained by December 31 preceding the application for tax relief under this ordinance.

2. Residents or spouses qualifying for tax relief under this section must be taxpayers of real property located in the town for one (1) year immediately preceding their receipt of tax benefits under this section and meet the requirements set forth in subsection 11 of this section with respect to the qualifying total annual income allowable for their federal income tax year preceding the year in which application is made for tax relief under this section.

3. Prior to the granting of property tax relief, such person must first have applied for tax relief under any other statute for which he or she is eligible and shall certify to the assessor and tax collector the tax credits received thereunder or shall certify to the assessor and tax collector at the time of filing an application for relief hereunder on a form provided by the assessor that he or she is ineligible for such tax relief. No property tax relief granted under this section, together with any property tax relief received by any such person under all applicable statutes shall exceed, in the aggregate seventy-five (75) percent of the total amount of the tax which would, except for those applicable statutes and this section, be laid against the person applying for tax relief hereunder.

4. The total abatement of property tax revenue which may be granted in such tax year by the town pursuant to the provisions of this section shall not exceed an amount, based on an estimate in any tax year by the board of estimate and taxation, equal to one (1) percent of the total real property tax **levied** [assessed] in the town in the preceding tax year. Such tax relief granted to eligible persons for any fiscal year shall be ratably decreased if necessary to keep the total amount of the town tax relief within such limit.

5. For purposes of this section the principal residence requirement in subsection 1 shall be met if the residents seeking qualification shall have maintained residence in the property for which tax relief is being sought for at least one hundred eighty-three (183) days during the twelve (12) months immediately prior to the filing of an application hereunder.

6. Qualifying total annual income for tax relief under subsection 11 of this section shall be reviewed and determined by the assessor on the basis of amounts listed in the computation of total income for federal income tax purposes furnished by the taxpayer for the year preceding the filing of an application for tax relief hereunder of the applying individual, if unmarried, or jointly, if married, regardless of whether or not separate federal income tax returns were filed by such person or his or her spouse and shall be adjusted in accordance with subsections (a) and (b) of this section.

(a) *Included in income.* Qualifying total annual income shall include income from the following sources, whether or not such sources were included in amounts listed for the computation of total income in a federal income tax return, and shall therefore be adjusted and determined by the assessor to the extent such amounts are not included as total income in a federal income tax return:

- (1) Wages, bonuses, commissions, gratuities and fees, self-employment net income;
- (2) Gross Social Security, Federal Supplemental Security Income, payment for jury duty (excluding travel allowance);
- (3) Dividends, interest, and annuities;
- (4) Taxable IRA distributions;
- (5) Black Lung payments;
- (6) Interest or proceeds resulting from gifts received;
- (7) Lottery winnings;
- (8) Net income from sale or rent of real or personal property, provided that, to the extent that there is no net income, qualifying total annual income shall not be decreased by sale and rental net income losses;
- (9) Pensions, including veterans' and railroad retirement;
- (10) Severance pay; unemployment compensation;
- (11) Worker's compensation;
- (12) Alimony;
- (13) Capital gains, provided that, to the extent there is no capital gain, qualifying total annual income shall not be decreased by capital losses;
- (14) Partnership income, provided that, to the extent there is no net income, qualifying total annual income shall not be decreased by partnership net income losses;

(b) *Excluded from income.* Qualifying total annual income shall exclude income from the following sources, whether or not such sources were included in amounts listed for the computation of total income in a federal income tax return or under subsection (a) above and shall therefore be adjusted and determined by the assessor to the extent that such amounts are included in a federal income tax return or under subsection (a) above:

- (1) Social Security payments specifically for a dependent person or minor child;
- (2) Casualty loss reimbursements by insurance companies;
- (3) Gifts, bequests or inheritances, except for any interest or other income produced by the gift, bequest or inheritance;
- (4) Grants for disaster relief;
- (5) Income derived through volunteer service under the Domestic Volunteer Service Act of 1973, as amended, including stipends earned under the Foster Grandparents' Program, Retired Senior Volunteer Program, Senior Companion Program, and Community Training under Department of Mental Retardation;
- (6) Life insurance proceeds;
- (7) For a married homeowner whose spouse is a resident of a health care or nursing home facility in the state and who is receiving payment related to such spouse under Title XIX Medicaid, total income shall not include the spouse's Social Security income, provided that the following has been submitted to the assessor on the facility's letterhead and signed by the

administrator or other nursing home official:

- (i) Proof that the spouse is in a Connecticut health care or nursing home facility,
- (ii) The name and address of the facility,
- (iii) The period during the benefit year that the spouse was in the facility,
- (iv) The period during the benefit year that the spouse was on Title XIX Medicaid;

(8) Food stamps; fuel assistance; child support payments and temporary family assistance program payments.

7. No tax relief shall be given under this section to any person who has delinquent taxes to the town from real property, personal property or motor vehicles, including capital assessments or user charges owed to the town which have not been paid in full or brought current by June 1 **preceding the fiscal year for which tax relief shall be granted.** [of the year in which the application is taken.] For purposes of this section, abated taxes shall not be considered delinquent.

8. The form of application for property tax relief under this ordinance shall: a) be made by affidavit on forms provided by the [A] assessor and accompanied by documentation of all qualifying income, including a copy of the applicant's most recent federal tax return for the taxpayer's fiscal year immediately preceding the town's fiscal year for which tax relief is being requested and, b) state the qualifying information set forth in the preceding sections of this ordinance, whether or not applicant has previously applied or is currently applying for any other tax relief for the elderly or disabled under any state statute. For those persons not required by law to file a federal tax return, an affidavit from such persons shall be required attesting to the fact that they are not required to file a tax return.

9. [The time for filing a] **An application for property tax relief under this ordinance, including any required affidavit and documentation, shall be filed by mail or delivered in person to the assessor's office [annually] not earlier than February 1, nor later than May 15 to obtain property tax relief for the next fiscal year. For those persons who have sought and received by May 15 an extension of time to file a tax return, the application must nevertheless be filed by May 15 and a copy of the tax return received by the assessor's office by June 15 or the application will be denied. If the qualifying total annual income for the year following that contained in the application remains less than the limit of the category approved for a resident under subsection 11 then that resident shall not be required to file an application in the next following year but shall only be required to file an application biennially and the assessor may rely on the approved application on file to continue the tax credit accordingly. Otherwise, based on changes for such following year in qualifying total annual income that exceed the limit of the category approved for a resident or for a claim that the resident be allowed a larger credit based on a lower income category under**

subsection 11, the resident shall notify the assessor of such change and, if still qualifying for property tax relief, shall file again annually, by the dates set forth in this subsection.

10. The property tax relief available hereunder shall be available for one (1) residence only collectively for each applicant and spouse **and shall not apply to any residence with an assessed value in excess of one hundred and fifty (150) percent of the median assessed value of residences sold during the prior assessment year as calculated by the assessor.**

11.(a) The computation of the amount of property tax **credit** hereunder, subject to subsection 3, **for the fiscal year commencing July 1, 2006** shall be determined on the following graduated basis:

<i>Qualifying Total Annual Income</i>	<i>Property Tax Credit</i>
Less than \$18,000 [15,000.00]	\$1,700 [1,500.00]
\$18,000-27,250 [15,000-\$26,500.00]	\$1,130 [1,000.00]
\$27,251-\$39,000.00 [26,501-\$38,000.00]	\$ 850 [750.00]

(b) **For fiscal years commencing July 1, 2007 and following, the amount of tax credit shall be adjusted from the prior year as follows:**

(1) **In a fiscal year in which a tax assessment revaluation becomes effective, the percentage change shall be the product of the new mill rate times the new grand list divided by the product of the prior grand list times the prior mill rate, minus one.**

Example:

Prior Grand List = \$20 Billion
Prior Mill Rate = 12 mills
New Grand List = \$40 Billion
New Mill Rate = 6.2 mills

Benefit Change = ((6.2 mills x \$40 Billion)/(12 mills x \$20 Billion))-1
= (\$248 million /\$240 million)-1
= .03333 or 3.333% increase

(2) **In a fiscal year in which a tax assessment revaluation does not become effective the percentage change shall be the same as the change in the mill rate from the prior year.**

12. Upon the death of any person entitled to tax relief pursuant to this section, the tax relief hereunder shall end the following June 30, unless his or her spouse is otherwise qualified.

13. If any person entitled to a tax credit hereunder sells the property with

respect to which the tax relief hereunder has been granted, the tax relief shall be suspended as of the date of conveyance and the nonqualifying purchaser of such property shall pay the town a prorated share of taxes thereby due and owing as provided by General Statutes § 12-81a.

14. The property tax relief provided for in this section may, in any case where title to real property is recorded in the name of the taxpayer or his or her spouse and any other person or persons, be prorated to reflect the fractional portion of such taxpayer or spouse or, if such property is a multiple family dwelling, such relief may be prorated to reflect the fractional portion of such property occupied by the taxpayer.

15. Persons qualifying in accordance with age and income requirements of this section shall be eligible if they are unit owners and occupiers of a cooperative. The amount of annual property tax relief in accordance with this section to any such person shall be determined in relation to an assumed amount of property tax liability applicable to the assessed value for the dwelling unit which such person owns and occupies as determined by the assessor which may be based on the number of cooperative shares attributable to the unit compared to the total number of shares in the cooperative. For purposes of this section the assessor shall determine the assumed amount of property tax liability applicable to the assessed value for the dwelling unit of each such person who is otherwise eligible under this section, but such determination shall not constitute a tax bill for purposes of property taxation of such cooperative or any individual dwelling unit thereof. Annually not later than the first day of June, the assessor, upon **the basis** [receipt] of an application for such relief, shall determine, with respect to the assessment list for the assessment year commencing October first immediately preceding, the portion of the assessed value of the entire cooperative, as included in such assessment list, attributable to the dwelling unit occupied by such person. The assumed property tax liability for purposes of determining the amount of such relief shall be the product of such assessed value and the mill rate in such municipality as determined for purposes of property tax imposed on said assessment list for the assessment year commencing October first immediately preceding. The amount of relief to which such person shall be entitled for such assessment year shall be equivalent to the amount of tax reduction for which such person would qualify, considering such assumed property tax liability to be the actual property tax applicable to such person's dwelling unit and such person as liable for the payment of such tax.

16. The tax collector and assessor shall prescribe with regard to their respective duties under this section, such forms and procedures as may be necessary to implement this section. The assessor, in addition, shall take such steps as are necessary to satisfactorily establish the facts as to the qualifying income of an applicant for benefits under this section by requesting and reviewing income tax forms filed therewith and any additional evidence of qualifying income, which the assessor may require. This documentation shall not be open to public inspection. **The assessor may deny the application of a person who fails to provide information required by the assessor that is necessary to determine eligibility.**

17. This ordinance, as amended, shall be effective starting with [the fiscal year commencing July 1, 2002.] **applications accepted February 1, 2006 for tax relief for the fiscal year commencing July 1, 2006.**

18. [All provisions of this ordinance, as amended, shall cease to be effective on June 30, 2006 unless an ordinance extending this ordinance is properly submitted to the Board of Estimate and Taxation and the Representative Town Meeting and approved prior to that date.]
(RTM, 4/9/2001; RTM, 12/10/2001.)

(additions **bold**; deletions within [brackets])

Dean Goss, chairman of District 1, made a motion, on behalf of the district, to reinstate section 18 with a sunset provision expiring June 30, 2008.

The vote was on the District 1 motion to amend.

In Favor	-	55
Against	-	112
Abstentions	-	6

Motion Lost

Douglas Wells, chairman of the Legislative & Rules Committee, made a motion, on behalf of the committee, to amend the item in section 10, second line, take out word "apply" and insert "be available".

The motion was approved by unanimous consent.

Town Attorney Eugene McLaughlin suggested a correction to the item in section 6-b-7, in the second line, take out the words "in the state". He also suggested removing the word "Connecticut" from Sec 6b7i.

The corrections were adopted by unanimous consent.

William Clark of District 7 made a motion, which was seconded, to amend the item in the third paragraph, third line, insert a period after the word "thereunder" and delete the rest of the sentence.

The motion was adopted by unanimous consent.

Coline Jenkins, chairman of District 6, made a motion, on behalf of the district, to amend the item by reinstating paragraph 18 with a sunset provision expiring June 30, 2010.

The vote was now on the District 6 motion to amend.

In Favor	-	136
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Against	-	33
Abstentions	-	1

Amendment Carried

Robert Richardson of District 10 made a motion, which was duly moved and seconded, to amend the item in paragraph 10, fourth line, after the word “year” insert (October 1 to September 30.) and in paragraph 11 section b, after the word “adjusted” insert “by a percentage change” and in Sec 11b2 in line 2 add the word “percentage” before “change in the mill rate from the prior year.

The amendments were adopted by unanimous consent.

The vote was now on Item No. 9 as amended.

In Favor	-	145
Against	-	10
Abstentions	-	13

Item Carried

The Moderator announced that Item No. 10 on the call was now before the meeting.

Commissioner of Public Works Marcos Madrid offered the following resolution, which was duly moved and seconded, regarding Item No. 10.

RESOLVED, that the sum of \$55,000 be and the same is hereby appropriated to be added to Sewer Maintenance Fund Account Number J361-52530, known as “Public Works – Sewer Division, Sludge Removal Services”

The vote was now on Item No. 10.

In Favor	-	164
Against	-	0
Abstentions	-	0

Item Carried

The Moderator announced that Item No. 12 on the call was now before the meeting.

Commissioner of Public Works Marcos Madrid offered the following substitute resolution, which was duly moved and seconded, regarding Item No. 12.

RESOLVED, that the sum of \$200,000 be and the same is hereby appropriated to be added to Capital Fund Account Number Z345-59560-25118 known as “Public Works – Indian Field Road Facility – Interior Upgrade”

Randall Huffman of District 7 made a motion to reduce this item to \$40,000. The motion did not receive a second.

Edward Dadakis of District 1 moved the previous question, which was seconded.

Motion Carried

The vote was now on Item No. 12.

In Favor	-	35
Against	-	127
Abstentions	-	1

Item Lost

The Moderator announced that Item No. 17 on the call was now before the meeting.

Town Administrator Ed Gomeau offered the following resolution, which was duly moved and seconded, regarding Item No. 17.

RESOLVED, that amendment to Section 260 of the Town of Greenwich Charter initiated by the Board of Estimate and Taxation be and the same is hereby amended to read as follows:

Sec. 260. Payment of assessment and taxes.

(a) The benefits apportioned and assessed as provided in the pertinent provisions of this Article, or in any other General or Special Act relating to sewer assessments in the Town shall be payable in one sum on the [September] first **day of the first month** following the expiration of forty-five (45) days after the filing of the sewer assessment list or in approximately equal successive annual installments commencing on [such September] **the first payment date** with interest at a rate not to exceed six percent (6%) per annum on the unpaid balance of the assessment, except that the first installment of any assessment against property in an area of future benefit which neither abuts nor is connected with a sewer shall become due on and bear interest from the [September] first **day of the first month** following the expiration of one (1) month after the completion of an abutting sewer or connection with a sewer. Such rate of interest, and the number of installments, which shall not exceed twenty (20), shall be determined by the Board of Estimate and Taxation. Overdue assessments and installments thereof shall bear the same rate of interest as overdue Town taxes. The entire unpaid balance of any assessment may be paid at any time with the accrued interest to the date of payment. If two (2) successive annual installments are in default, the entire balance, at the option of the Board of Estimate and Taxation, shall forthwith become due and payable with interest.

(b) Whenever a determination has been made to recover a portion of the cost of construction of sewage disposal plants and trunk sewers by the laying and levying of taxes against the properties within the sewer district, the Board of Estimate and Taxation shall determine the annual tax necessary to recover that portion of the cost of the sewage disposal plants and trunk sewers over a period of time not to exceed twenty (20) years. On or before January 31 preceding the due date of each annual tax, the Assessor shall present to the Board of Estimate and Taxation a statement showing the total assessed valuation upon the grand list last completed of the real estate including land and buildings within the sewer district. The Board, by the affirmative vote of seven (7) of its members, shall on or before May 25 determine the tax rate which shall be laid thereon to pay for the portion of the cost of such project to be recovered in the following year, together with interest accruing during the year on the unpaid balance of indebtedness incurred to pay such part of the cost of such project as is to be recovered by taxation of properties within the Sewer District, and levy taxes at a uniform rate upon such properties.

(c) The chairman and clerk of the Board shall forthwith file a certificate of the laying and levying of such taxes in the office of the Town Clerk. Such taxes shall become due in two (2) equal installments with the Town taxes, shall bear the same rate of interest as unpaid town taxes, and shall be a lien upon such properties, including any buildings and improvements thereon, from the date of the last-completed grand list, provided that no lien shall continue to exist for more than one (1) year from the date that the tax becomes due and payable unless continued in the manner provided by law for the continuance of real property tax liens. Such lien shall take precedence over all other liens and encumbrances excepting existing taxes or assessments.

(S.A. 333 § 7, 1955; as amended by RTM, 1/8/62; RTM, 6/27/66; RTM, 3/10/69; RTM, 3/11/74.)

(additions **bold**; deletions within [brackets])

The foregoing proposal for home rule action requires an affirmative vote of a majority of the entire membership of the Representative Town Meeting.

Alan Small of District 10 made a motion, which was seconded, to refer this item back to the Legislative & Rules Committee.

The vote was now on Mr. Small's motion to refer.

In Favor	-	85
Against	-	63
Abstentions	-	3

Motion Carried

The Moderator announced that Item No. 18 on the call was now before the meeting.

Dr. Susan Wallerstein of the Board of Education offered the following resolution, which was duly moved and seconded, regarding Item No. 18.

RESOLVED, that the sum of \$115,000 be and is hereby appropriated to be added to the following accounts: \$95,224 to account Z6800292 59560 25109 – Hamilton Avenue Modularity Hookup; \$19,776 to account Z6800292 59560 24106 – School Building Construction Manager. Said appropriation to come from the Capital and Non-Recurring Fund.

The vote was now on Item No. 18.

In Favor	-	120
Against	-	10
Abstentions	-	4

Item Carried

The Moderator announced that Item No. 19 on the call was now before the meeting.

Dr. Susan Wallerstein of the Board of Education offered the following resolution, which was duly moved and seconded, regarding Item No. 19.

RESOLVED, that the Board of Education be authorized to accept cash donations, consistent with the terms and conditions of the gift policy, from parent and other educational organizations, these receipts to become appropriations that the Board of Education may use solely to compensate authorized employees who provide approved extra and co-curricular programs and services to students.

Douglas Wells, chairman of the Legislative & Rules Committee, offered the following amendment, on behalf of the committee, to delete the word “the” in the second line and insert the word “it’s”, so it read “it’s gift policy,”

The amendment was adopted by unanimous consent.

Richard Kral of District 8 made a motion, which was seconded, to postpone this item until the September meeting.

The vote was now on Mr. Kral’s motion to postpone.

In Favor	-	98
Against	-	26
Abstentions	-	0

Motion Carried

The Moderator announced that Item No. 20 on the call was now before the meeting.

Town Administrator Ed Gomeau offered the following resolution, which was duly moved and seconded, regarding Item No. 20.

RESOLVED, that Sections 122, 123, 124, 128, 129, 142, 143, 144, 145, 150, 217 and 238 of the Town of Greenwich Charter be and the same are hereby amended to read as follows:

Sec. 122. Department of Parking Services; Director.

(a) There shall be a Department of Parking Services under the supervision and control of the First Selectman. The Department of Parking Services shall have charge of administrative and managerial services relating to the parking areas and facilities of the Town including supervision of planning, development, operation, regulation, collection of revenue and use of public parking areas owned, leased with or otherwise subject to the jurisdiction of the Town and, as provided in this section, with supervision of the construction and furnishing of same with necessary equipment, signs, buildings, appurtenances and other structures and the maintenance thereof. The Department of Parking Services shall assist the Board of Selectmen, Board of Estimate and Taxation, Condemnation Commission, Planning and Zoning Commission and Representative Town Meeting in carrying out their responsibilities under this Article in such manner as the First Selectman may prescribe.

(b) The head of the Department of Parking Services shall be the Director of Parking Services who shall be experienced in matters of public parking administration and management. The Director shall perform the duties set forth in this Article and shall supervise public parking projects. The Director shall select and employ architects and professional engineers for projects requiring structural analysis, design, development and construction management, except that no architect or engineer shall be selected or employed without the prior approval of the Commissioner of Public Works and the Selectmen. No documents shall be issued for bidding for the construction of parking structures unless and until the final project plans and specifications have been sealed and approved by a professional engineer and approved by the Commissioner of Public Works and the Selectmen. The Director shall obtain written statements from the architect and engineer of record and general contractor involved in any project affirming that the completed

construction is in compliance with the approved plans and design specifications. The Director shall superintend the issuance of all permits, licenses, assignments and scheduling of maintenance of public parking areas and facilities.

(c) The Director may make joint applications with the Commissioner of Public Works for appropriations for parking related activities including construction, maintenance and design professional work in order that they may be carried out by the Department of Public Works and shall obtain the approval of the Commissioner of Public Works for any on street parking activity that affects a Town highway. Such appropriations and appropriations for the parking administrative and managerial services shall be charged to the Department of Parking Services and may be made first from the parking fund and then, as necessary, from the general fund and shall be submitted and approved separately from appropriations for the acquisition and improvement of parking areas as otherwise provided by this Article. Determination of joint, administrative and managerial appropriation requests related to parking services shall be made by the First Selectman.

Sec. 12[2]3. Acquisition of land for public parking.

The Town is authorized to acquire real property, which shall include improvements, easements, hereditaments and every estate and interest therein, by purchase, lease, gift or condemnation, and to improve the same, for the purpose of providing for the public parking of vehicles, after funds to cover the estimated cost of acquisition and improvement have been appropriated and allotted as hereinafter provided and as provided by law in the Town.

(S.A. 177 § 1, 1957.)

Sec. 124. Appropriations for parking areas; initiation of projects.

[Sec. 123. Appropriations for parking areas.]

(a) The Town may make appropriations for, and provide out of the general fund and through borrowing, funds to pay the cost of the acquisition and improvement of parking areas, whether or not any part of such cost is to be reimbursed to the Town as hereinafter provided, and may allot such funds in the manner hereinafter provided.

(S.A. 177 § 2, 1957.)

[Sec. 124. Initiation of projects.]

(b) If in the judgment of the Board of Selectmen it is necessary to acquire or improve any area for the public parking of vehicles, it shall submit to the Board of Estimate and Taxation plans showing the area to be acquired or improved, together with a request for an allotment from funds appropriated for this purpose to meet the estimated cost of acquisition or improvement and, if necessary, an application for the appropriation of such funds as may be required for any such allotment.

(S.A. 177 § 3, 1957.)

Sec. 128. Acquisition of real property; procedure.

(a) After funds have been appropriated and allotted for the acquisition of any area for public parking, the **Director of Parking Services** [Commissioner of Public Works] may acquire such area by negotiation and, upon authorization of the Representative Town Meeting, may apply to the Condemnation Commission appointed under the provisions of Section 157 hereof, hereinafter called "the Commission," for the condemnation of such real property required for such purpose and for an assessment of damages. The Commission shall not take by eminent domain, for the purposes of this Article, any property of a corporation which has the right of eminent domain. This Article shall not affect the powers of eminent domain of such corporation.

(b) The Commission shall notify all persons claiming interest in such real property of a hearing on such proposed taking, notice of which shall be given to such persons at least ten (10) days before such hearing by leaving copies of such notice with them or at their places of abode in the Town, if they reside therein, or, if they do not reside in the Town, by registered or certified mail addressed to their last-known addresses, and by publication in a newspaper published or having circulation in the Town at least ten (10) days before such hearing. After such hearing the Commission shall determine whether or not such taking is necessary and, upon finding that it is necessary, shall determine and assess damages resulting from such taking and shall file in the office of the Town Clerk a certificate as to its determination of such necessity of taking and shall therein designate by number each lot or parcel taken, the owner thereof, if known, and the damages assessed in each instance.

(c) The Commission, within five (5) days after the filing of the certificate, shall give written notice of such determination of necessity and assessment and the amount thereof in each case to each person claiming interest in each lot or parcel taken, addressed to him at his last-known post-office address, and by publishing in a newspaper published or having circulation in the Town, within five (5) days after such filing, a notice of the filing in the office of the Town Clerk of the certificate of necessity and assessment of damages. Upon the filing of such certificate, title to the real property to be acquired shall vest in the Town.

(d) The assessment of damages shall be deemed final and conclusive upon such filing, without other notice to any person, subject to the right of appeal as provided in Section 149 hereof. The Town shall pay the amounts thus assessed to the persons claiming interest in each lot or parcel upon acceptance thereof. After the Town obtains title to real property acquired for public parking, the **Director of Parking Services** [Commissioner of Public Works] shall **cause** [improve] the same **to be improved** for public parking of vehicles after the allotment of funds therefor as herein provided.

(S.A. 177 § 7, 1957.)

Sec. 129. Certification of cost of acquisition or improvements.

(a) The **Director of Parking Services** [Commissioner of Public Works] shall advise the Comptroller when such public parking areas have been acquired or improved. The Comptroller shall thereupon compute and ascertain the total cost of acquisition or improvement thereof. In such total cost shall be included all expenses in connection with the acquisition of land, buildings, easements and other property, or in the improvement thereof, all sums paid by the Town to surveyors, engineers, architects, inspectors, attorneys and other persons in connection therewith, the cost of any work done by the Town, all expenses in connection with any assessment of benefits, and the interest on notes or bonds issued by the Town, or on funds advanced by the Town at a rate not to exceed six percent (6%) per annum, to pay the expense of such acquisition or improvement computed to the time at which the first installment of any assessment or tax becomes due, but not in excess of four (4) years interest.

(b) The Comptroller shall certify such total cost. The part of such cost which has been determined shall be assessed or taxed against the property within a parking district in accordance with the provisions of this Article. Where such cost is to be assessed, such certification shall be to the Condemnation Commission, and where such cost is to be taxed, such certification shall be to the Board of Estimate and Taxation.

(S.A. 177 § 8, 1957.)

Sec. 142. Parking Fund; use.

(a) A separate fund shall be established and maintained by the Town to account for:

- (1) All amounts appropriated by the Town for the **Department of Parking Services** operation and maintenance of public parking areas and all amounts allotted by the Town for the acquisition and improvement of public parking areas;
- (2) All amounts collected as parking assessments, including interest;
- (3) All taxes levied under the provisions of this Article, including interest;
- (4) All parking revenues;
- (5) The proceeds of all notes and bonds issued under this Article; and
- (6) All interest received on moneys in this Fund.

(b) The amounts received shall be used:

- (1) For the acquisition or improvement of public parking areas;
- (2) To reimburse the Town for any amounts advanced from the general fund for such purposes to the extent of funds not contributed by the Town for such purposes;

- (3) To pay the **Department of Parking Services** expenses of operation and maintenance of the parking areas; and
- (4) To pay the principal of and interest on any notes and bonds issued pursuant to the provisions of this Article.

(c) An allotment for any such acquisition or improvement shall continue in force until the cost thereof has been certified by the Comptroller. At that time the unencumbered balance of any such allotment shall be returned to the unappropriated surplus of the Parking Fund.

(S.A. 177 § 21, 1957; as amended by RTM. 9/9/57.)

Sec. 143. **Regulations and enforcement.** [Maintenance and operation of parking facilities.]

[The Commissioner of Public Works is authorized to maintain public off-street automobile parking facilities acquired and improved under this Article] Reasonable regulations for the orderly use of **the public parking areas** [such facilities], including the payment of reasonable fees for [the] use **and fines for violation** thereof, may be prescribed by the Selectmen. [and shall be enforced by the Police Department.] **Personnel of the Department of Parking Services, designated by the Director as Parking Control Officers and sworn to perform such duties before the Board of Selectmen, shall have authority to issue notices of violation of parking regulations of the Town as shall the Police Department and such other authorized officials as may be designated by the Selectmen.** (S.A. 177 § 22, 1957.) (as amended by RTM 9/13/76.)

Sec. 144. Entry upon property.

The Selectmen, **Director of Parking Services**, the Commissioner of Public Works, members of the **Condemnation** Commission and their respective agents, engineers and surveyors and such other persons as may be necessary to enable them to perform their duties **under this Article are authorized to enter upon any property for the purpose** of making surveys, examinations or investigations and preparing maps, and for such other purposes as may be necessary in the performance of their duties under this Article.

(S.A. 177 § 23, 1957.)

Sec. 145. Parking **revenue collection equipment** [meters]; revenues.

(a) For purposes of traffic control and to provide adequate parking both on and off street, **the Department of Parking Services upon approval of the Board of Selectmen** shall have authority to acquire parking **revenue collection equipment** [meters] by purchase or lease, upon such terms as to the Board shall **approve as** [seem] best, and to install, maintain, repair and operate such parking **revenue collection equipment** [meters] on such public highways within the Town and parking lots and other areas owned by the Town which to the Board shall **approve as** [seem] necessary, and to establish such rates

in the operation of any such **equipment** [meters] in furtherance of the purposes above set forth which to the Board shall **approve as** [seem] proper.

(b) Parking [meter] revenues **from such equipment** shall first be used to pay the cost of acquiring, operating, maintaining and repairing the parking [meters] **revenue collection equipment** and any surplus shall be used **as parking revenue pursuant to this Article**. [to pay other expenses in aid of traffic control, including the acquisition and operation of other parking and traffic control devices and the acquisition, improvement and maintenance of parking lots or other off-street parking areas]

(S.A. 177 § 24, 1957.)

Sec. 150. Department of Public Works; Commissioner's powers and duties; Deputy.

(a) There shall be a Department of Public Works under the direction and control of the First Selectman. The head of the Department shall be the Commissioner of Public Works, who shall have charge of all matters involved in the construction, development and maintenance of the physical properties of the Town, except the design and maintenance of school property and property under the control of the Department of Parks and Recreation **and Department of Parking Services**. He shall be the Town Engineer and shall be a civil engineer and experienced in the management of engineering and construction projects, including such projects as are involved in municipal engineering.

(b) The functions of the Department of Public Works shall be distributed under the Commissioner of Public Works among divisions and offices which shall include the divisions of highways, sewers building construction and maintenance, and recycling and waste collection and disposal. Subject to the direction of the Planning and Zoning Commission, the Commissioner of Public Works shall have charge of the physical planning and development of the Town as a whole. The Commissioner of Public Works shall, subject to the provisions of this Article, have all the powers and duties formerly conferred and imposed by law upon the Superintendent of Highways, and all the powers and duties formerly conferred and imposed by law upon the Sewer Commissioners, except such powers and duties as relate to the collection of taxes and assessments.

(c) The Commissioner of Public Works shall be the Town's chief technical adviser in all matters involved in the physical development of the Town and the design and construction of its physical plan. All construction of public buildings and other public improvements of the Town, including repairs and reconstruction, shall be done according to plans prepared or approved by the Commissioner of Public Works, and be subject to his supervision and acceptance, provided the Board of Education [and], the Department of Parks and Recreation **and the Department of Parking Services** have supervision and control over the design of buildings under their jurisdiction.

(d) There shall be a Deputy Commissioner of Public Works who shall be appointed by the Commissioner of Public Works with the prior approval of the Selectmen. Said Deputy Commissioner shall have the same qualifications as the Commissioner of Public

Works. In the absence or disability of the Commissioner of Public Works or if the office becomes vacant for any reason, the Deputy Commissioner of Public Works shall perform the duties and exercise the powers of the Commissioner of Public Works for a period not to exceed ninety (90) days or for such longer period as the Selectmen may determine. The salary of the Deputy Commissioner shall be fixed by the Town on the recommendation of the Board of Estimate and Taxation in the same manner as other appropriations are determined.

(S.A. 444, § 27, 1939; as amended by RTM 4/27/1970; RTM 4/10/1972; as amended by RTM 4/12/1976; RTM 12/10/1990; RTM 1/17/1995.)

Sec. 217. First Selectman; powers and duties.

(a) All administrative functions relative to police, fire, highways, sewers and other public works, building inspection, parks, recreation, law, **parking services**, fleet management and purchasing for such purposes, shall be divided, under the supervision and control of the First Selectman, among administrative departments which shall include the Department of Police, Fire, Public Works, Parks and Recreation, Law, **Parking Services** and Fleet Maintenance. The First Selectman shall have the supervision and control, and shall be responsible for the administration, of all the affairs of the Town in respect to such departments, and may fix and determine the internal organization of such departments, the number and kinds of offices and positions, the methods of procedure and, subject to appropriation as otherwise provided by law, the rates of compensation.

(b) First Selectman and board of selectmen. The First Selectman shall be the chief executive officer of the town and the town agent and shall devote his full time to the duties of his office. The two selectmen other than the First Selectman who are elected as provided in this act shall, together with the First Selectman, constitute the board of selectmen. The First Selectman shall chair the board of selectmen. The First Selectman shall hold at least one meeting each month with the other selectmen for the purpose of keeping them generally informed of the business of the town. Upon five days' written notice to the First Selectman, either of the two selectmen may place an item on the agenda of a meeting, which item shall be germane to the duties and responsibilities of the board of selectmen. Minutes of such meetings shall be taken and made available for public inspection. The First Selectman shall designate one of the other selectmen to act in his place and stead during his absence. Such Selectman when so acting shall have all of the powers and duties of the First Selectman.

(c) Compensation of First Selectman and selectmen. The First Selectman shall be paid a salary appropriate for the chief executive officer and town agent, and the other two selectmen shall be paid salaries commensurate with their duties and responsibilities, but the salary of each of the two selectmen shall be no less than ten percent of the salary of the First Selectman, subject to the approval of appropriations by the Representative Town Meeting pursuant to Section 23 of the Charter. Provision for such salaries shall be included in the budget report submitted annually by the First Selectman to the board of estimate and taxation.

(S.A. 444 § 23, 1939; as amended by S.A. 71 § 1, 1955; RTM, 4/27/1970; RTM,

3/13/1972.)(Char. Rev. 11/4/1975, eff. 1/1/1978.)(RTM, 1/21/1985.)(Board of Selectmen 9/17/1997.)

Sec. 238. Traffic Authority; penalties.

The Board of Selectmen, acting as the Police Commission, shall have authority by ordinance to provide that any person, firm or corporation violating any ordinance or by-law, or any rule or regulation adopted pursuant thereto, relating to traffic or parking in the Town, shall be fined such amount as may be specified therein, not exceeding One Hundred Dollars (\$100.00). In any case involving a vehicle parked in violation of any such prohibition or restriction of parking, a police officer **or such other official sworn to perform such duties by the Board of Selectmen** shall serve upon the operator of the vehicle, by delivering to him personally, or by attaching to such vehicle, a notice of **parking violation** directing such operator to **pay the fine authorized by ordinance, by-law, rule or regulation** [appear at police headquarters] within such time as may be specified in such **notice**. [ordinance and there exhibit the notice and his operator's license.] When any person receives such notice, he may comply therewith and pay to the Town, at **the Department of Parking Services** [police headquarters,] such sum [not exceeding Five Dollars (\$5.00)] as may be specified in such [ordinance and] notice, and that no summons or warrant for arrest shall be issued for any such violation prior to the expiration of such period, nor thereafter, if such operator has complied with such notice and paid the sum within the period.

(S.A. 406 § 3, 1953.)

(additions **bold**; deletions within [brackets])

The Moderator suggested a motion to suspend the rules, which was seconded, to address Mr. Small's motion to refer all the charter items to the Legislative & Rules Committee.

Motion carried.

Alan Small made a motion to refer Item Nos. 20,21,22, & 34 to the Legislative & Rules Committee.

- Item 20 – Parking Services Division
- Item 21 - Town Administrator
- Item 22 - Information Technology
- Item 34 - Department of Human Resources

James Boutelle of District 8 made a motion, which was seconded, to divide the question and take out Item 22 and consider it separately.

Motion Lost

The vote was now on Mr. Small's motion to refer Items No. 20,21,22 & 34.

In Favor - 104

Against - 9
Abstentions - 0

Motion Carried

The Moderator announced that Item No.23 on the call was now before the meeting.

Town Administrator Ed Gomeau offered the substitute following resolution, which was duly moved and seconded, regarding Item No. 23.

RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed a member of the Inland Wetlands and Watercourses Agency for a term expiring 3/31/09.

THOMAS R. BAPTIST

H. Franklin Bloomer, chairman of the Land Use Committee, made a motion, on behalf of the committee, to postpone this item until the September meeting.

Motion Carried

The Moderator announced that Item No. 26 on the call was now before the meeting.

Town Administrator Ed Gomeau offered the following resolution, which was duly moved and seconded, regarding Item No. 26.

RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed a member of the Board of Social Services for a term expiring 3/31/08.

SHIRLEY E. JANKOWICH

Coline Jenkins, chairman of the Appointments Committee, made a motion, on behalf of the committee, to postpone this item until the September meeting.

Motion Carried

The Moderator announced that Item No. 29 on the call was now before the meeting.

Town Administrator Ed Gomeau offered the following substitute resolution, which was duly moved and seconded, regarding Item No. 29.

RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed a member of the Inland Wetlands and Watercourses Agency for a term expiring 3/31/09.

MATTHEW J. POPP

H. Franklin Bloomer, chairman of the Land Use Committee, made a motion, on behalf of the committee, to postpone this item until the September meeting.

Motion Carried

The Moderator suggested a motion to suspend the rules and combine Items 30 and 31 for voting purposes.

Motion Carried

Town Administrator Ed Gomeau offered the following resolution, which was duly moved and seconded, regarding Item No. 30.

RESOLVED, pursuant to State Public Act No. 95-268, An Act concerning Neighborhood Assistance, the programs set out in the Explanatory Comments (attached) and complete applications filed in the Town Clerk's office are hereby approved for the purpose of encouraging business contributions to non-profit organizations and government agencies providing important services in Greenwich.

Comptroller Peter Mynarski offered the following resolution, which was duly moved and seconded, regarding Item No. 31.

RESOLVED, that the sum of \$250,000 be and the same is hereby appropriated to be added to accounts identified below:

A902-57300 Workers Compensation

The vote was now on Items 30 & 31.

In Favor	-	91
Against	-	0
Abstentions	-	0

Items Carried

There being no further business, the Moderator adjourned the meeting, upon unanimous consent, at 12:40 A.M.

ATTEST:

CARMELLA C. BUDKINS
TOWN CLERK